

**REMARKS**

Presently, claims 1 to 14 are pending in the application. Claims 12 to 13 stand rejected under 35 U.S.C. §112, second paragraph. Claims 1 and 10 stand rejected under 35 U.S.C. §102(b) over the Kaye US Patent No. 4,590,037 and also under 35 U.S.C. 102(b) over DE 2206910. Claims 1 to 7 and 9 to 12 stand rejected under 35 U.S.C. §103(a) over the Alessi et al. US Patent No. 3,650,038 and Kaye. Claims 8 and 14 stand rejected under 35 U.S.C. §103(a) over Alessi et al., Kaye and either Malchesky US Patent No. 5,858,305 or Siegel et al. US Patent No. 5,662,866. Claim 10 stands rejected under 35 U.S.C. §103(a) over Alessi et al., Kaye and the Lin et al. US Patent No. 5,770,739. Applicants respectfully traverse each rejection and request reconsideration and reexamination of the application.

The Examiner has rejected claims 12 and 13 under 35 U.S.C. §112, second paragraph. Applicants have amended claims 12 and 13 for clarity and submit that the claims as presently amended are in compliance with the statute.

The Examiner has rejected claims 1 and 10 as being anticipated by either Kaye or DE 2206910. Applicants submit that neither reference teaches each and every limitation of claims 1 or 10. Claim 1 defines a plurality of sterilizing agent capsules aligned in an axial direction of a needle. Kaye shows two capsules so aligned axially with a needle. However, only one such capsule contains sterilant. Accordingly, Kaye does not teach a plurality of sterilizing agent capsules aligned in an axial direction with a needle. Neither does DE 2206910 show such an arrangement. It shows what appear to be four capsules in side by side arrangement each with their own needle. Accordingly, neither reference anticipates claim 1. Claim 10 contains similar limitations and accordingly neither reference anticipates claim 10 either.

Each of the rejections under 35 U.S.C. §103(a) involve the alleged combination of Alessi et al. and Kaye. There is no suggestion for making the alleged combination, but even if made it would produce a cartridge having two compartments first water and then sterilizing agent as taught by Kaye. There is no teaching or suggestion of providing multiple doses of sterilant in an axial direction in either reference. Accordingly, even if the combination were made it would not reach the claimed invention. Applicants have conceived a simple, yet elegant system for

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delivering sterilant. By aligning the cartridges axially, rather than in side by side relation, the single mechanism of driving the needle forward accomplishes the purpose of releasing the sterilant and selecting the appropriate capsule from which the sterilant shall be released. Therefore, provides significant advantage in economy over the tradition side by side sterilant capsule arrangement. Applicants respectfully submit that the claimed invention patentably defines over the cited prior art.

Applicants submit that the application is presently in condition for allowance and request favorable reconsideration and early notice of allowance. If it would speed prosecution, the Examiner is encouraged to contact the undersigned attorney at the telephone number denoted below.

Respectfully submitted,

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